



Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

The Commonwealth of Massachusetts

Department of Public Safety

One Ashburton Place, Room 1301

Boston, Massachusetts 02108-1618

Phone (617) 727-3200

Fax (617) 727-5732

TTY (617) 727-0019

www.mass.gov/dps

Kevin M. Burke
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

TO: Applicants for Licensure as a Public Warehouseman, Ticket Reseller, or Theatrical Booking Agent
FROM: Thomas G. Gatzunis, Commissioner
DATE: July 20, 2007
RE: New Master Crimes List for Use in Evaluating CORIs

This memo is intended to notify all applicants for licensure as a public warehouseman, ticket reseller or theatrical booking agent that the Department of Public Safety ("Department") has issued a new table of offenses to be used for the purpose of evaluating applicants' Criminal Offender Record Information ("CORI") inquiries. The table may be viewed at www.mass.gov/dps.

The new table, titled "Disqualifying Crimes: Public Warehousemen, Ticket Resellers, and Theatrical Booking Agents" is alphabetical and broken down into categories of offenses that the Department will consider when determining suitability for licensure. The Department has made an effort to make the chart user-friendly by adding color-coding and enabling searches of the list by keyword (to search go to "Edit" and choose "Search"). Offenses are color-coded according to whether the offense is a Table A, B, or C offense. A color-code key is located on the first page of the new table. Table A offenses are highlighted in **red**; Table B offenses are highlighted in **yellow**; and Table C offenses are highlighted in **green**. The offenses are alphabetical and referenced by chapter and section of the Massachusetts General Laws ("General Laws"). The text of the General Laws is accessible at www.mass.gov/legis.

What if a Table A offense is indicated?

If any offense listed on the CORI report falls within Table A (**highlighted in red**), the applicant shall be ineligible for licensure. The individual applicant shall remain presumptively and permanently disqualified for licensure except where the applicant is able to rebut the presumption of ineligibility. Ineligibility based upon a Table A offense may be challenged only by submitting clear and convincing evidence that the applicant is not likely to pose a risk of harm or reoffend. Clear and convincing evidence of the applicant's appropriateness is an unequivocal statement(s) that the applicant poses no risk of harm, submitted by the applicant's probation officer, the prosecuting district attorney, or the judge that heard the Table A offense charge.

What if a Table B offense is indicated?

If any offense listed on the CORI report falls within Table B (**highlighted in yellow**), the applicant is deemed initially unsuitable for licensure. The applicant then has the opportunity to rebut the finding of ineligibility by providing additional information to the Department. Additional information considered to rebut a Table B offense may include a letter of reference stating that the applicant is unlikely to pose a risk of harm or reoffend, submitted by the applicant's probation officer, the prosecuting district attorney, judge, or a treating mental health professional. Additionally, the applicant may submit other evidence of mitigating factors that will be weighed by the Department in making a determination of suitability, including statements concerning:

- a. the time since the conviction, including whether the conviction was in the distant or recent past, and what has occurred in the time since the conviction;
- b. the age of the candidate at the time of the offense, including whether the applicant was considered a young adult or mature adult;
- c. the seriousness and specific circumstances of the offense, including whether the act leading to the conviction was particularly egregious in nature;
- d. the nature of the work to be performed, including whether it will place the applicant in an environment in which they may be likely to re-offend;
- e. the number of offenses, including whether the applicant appears to be a habitual offender; and
- f. any relevant evidence of rehabilitation or lack thereof, including what the individual has been doing since their release or probationary period expired.

What if a Table C offense is indicated?

If any offense listed on the CORI report falls within Table C (highlighted in green), the applicant is discretionarily disqualified from licensure. The applicant should then rebut the finding of ineligibility by providing additional information, as listed in a-f above, to the Department. While Table C offenses do not necessitate letters of reference from individuals such as a probation officer, prosecuting district attorney, or judge to overturn an initial finding of discretionary disqualification, letters may be helpful.